UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY SAMUEL TOTA,

                    Plaintiff,

          v.   **ORDER**
                                                      06-CV-636S
JAMES H. ABDELLA,

                    Defendants.

          1.   On February 1, 2007, this Court referred this case to the Honorable Hugh B.

Scott, United States Magistrate Judge, for all pretrial matters, including hearing and

disposition of all non-dispositive motions. On February 20, 2007, Defendant moved to

direct the release of a Jamestown City Court file (Docket No. 8). On March 20, 2007,

Plaintiff moved to remove the Attorney General and Assistant Attorney General as defense

counsel in this case (Docket No. 16).

          2.   On March 26, 2007, Judge Scott issued an Order (Docket No. 18) in which

he granted Defendant's motion to obtain a Jamestown City Court (Docket No. 8), and

denied Plaintiff's motion to remove defense counsel (Docket No. 16).

          3.   On April 12, 2007, Plaintiff appealed Judge Scott's Order (Docket No. 19).

          4.   Pursuant to 28 U.S.C. § 636(b)(1)(A), a magistrate judge may, with certain

exceptions, hear and determine any pretrial matter pending before the court. The

magistrate judge's order on such a pretrial matter will be reconsidered by the district judge

only when it has been established that it is clearly erroneous or contrary to law. See 28

U.S.C. § 636(b)(1)(A).

5.   This Court has reviewed Plaintiff's appeal and finds that nothing therein compels a finding that Judge Scott's Order is clearly erroneous or contrary to law. Plaintiff's appeal is denied.

IT HEREBY IS ORDERED, that Plaintiff's appeal of Judge Scott's Order (Docket No. 18) is DENIED.

FURTHER, that Judge Scott's Order (Docket No. 18) is AFFIRMED in its entirety.

FURTHER, that Defendant's Motion to release a Jamestown City Court file (Docket No. 8) is GRANTED.

FURTHER, that Plaintiff's Motion to remove Defense counsel (Docket No. 16) is DENIED.

SO ORDERED.

Dated: May 8, 2007
         Buffalo, New York

                                        /s/William M. Skretny
                                        WILLIAM M. SKRETNY
                                        United States District Judge